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10 *Attorneys for Defendant*  
11 *Walmart Inc.*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 SHERYL SMART, an individual,

15 Plaintiff,

16 v.

17 WALMART INC., an Arkansas Corporation,  
18 DOES 1-20 and ROE BUSINESS ENTITIES 1-  
20, inclusive,

19 Defendants.

20 Case No.: 2:20-cv-00722-APG-EJY

21 **STIPULATION AND [PROPOSED]**  
**ORDER TO EXTEND DISCOVERY**  
**DEADLINES**

22 **[FOURTH REQUEST]**

23 Plaintiff SHERYL SMART (hereinafter “Plaintiff”) and Defendant WALMART INC.  
24 (hereinafter “WALMART” or “Defendant”), by and through their respective counsel of record, do  
25 hereby stipulate to extend the remaining deadlines in the current scheduling order and discovery plan in  
this matter for a period of sixty (60) days for the reasons explained herein.

26 Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the fourth such discovery  
27 extension requested in this matter.

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1 **DISCOVERY COMPLETED TO DATE**

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- Plaintiff has served upon Defendant one set of Interrogatories, Requests for Production and Requests for Admissions on October 8, 2020. Defendant has, after an extension granted by Plaintiff, responded to Plaintiff's Interrogatories, Requests for Production, and Requests for Admissions on November 23, 2021;
- Defendant has served upon Plaintiff one set of Interrogatories, Requests for Production, and Requests for Admissions on June 23, 2020. Plaintiff has, after an extension granted by Defendant, responded to Defendant's Interrogatories, Requests for Production, and Requests for Admissions on August 13, 2020;
- Plaintiff provided provider specific authorizations as of October 28th and November 6<sup>th</sup> of 2020;
- Defendant has taken the deposition of the Plaintiff on September 21, 2020;
- Defendant has subpoenaed and obtained medical records from The Neck and Back Clinic, Las Vegas Radiology, Southern Nevada Pain Center, Medical Associates of Southern Nevada, Dr. Muir Medical records, Anesthesia and Intensive Care Specialists and Multus Medical, all subpoenaed from December 2020 through February 2021;
- Plaintiff disclosed their initial experts on March 10, 2021;
- Defendant disclosed their initial experts on March 16, 2021;
- The parties have filed all required documents pursuant to ECF 2 to date;

20 **DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY**

21 Discovery to be completed includes:

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- Depositions of Plaintiff's treating physicians; and
- Depositions of expert witnesses and rebuttal expert witnesses;

24 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

25 The parties agree that, pending this Court's approval, extension of remaining discovery deadlines is  
26 appropriate, as Defendant is currently looking for dates to depose Plaintiff's expert which are after the  
27 discovery close deadline. Scheduling conflicts arose for which the parties conducted a meet and confer  
28 and found it necessary to briefly extend the deadlines to avoid unnecessary motion practice. All other

1 discovery is set to continue to move forward in the interim. Further, the parties still wish to further  
2 investigate this case and potentially reach a resolution prior to incurring fees and costs.

3 **[PROPOSED] NEW DISCOVERY DEADLINES**

4 **Discovery Cut-Off Date:**

5 Currently: November 15, 2021

6 **Proposed: January 14, 2022**

7 **Dispositive Motion Deadline**

8 Currently: December 15, 2021

9 **Proposed: February 14, 2022**

10 **Proposed Joint Pre-Trial Order**

11 Currently: January 14, 2022

12 **Proposed: March 16, 2022**

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1       If this extension is granted, all anticipated additional discovery should be concluded within the  
2 stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is  
3 made by the parties in good faith and not for the purpose of delay.  
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5 DATED this 10th day of November, 2021.

6 **RICHARD HARRIS LAW FIRM**

7       /s/ *Burke Huber*

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9       BURKE HUBER, ESQ.  
10      Nevada Bar No. 10902  
11      801 South Fourth Street  
12      Las Vegas, Nevada 89101

13      *Attorneys for Plaintiff*

5 DATED this 10th day of November, 2021.

6 **PHILLIPS, SPALLAS & ANGSTADT LLC**

7       /s/ *India C. Burton*

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17      *Attorneys for Defendant*  
18      *Walmart Inc.*

19      IT IS SO ORDERED:

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22      UNITED STATES MAGISTRATE JUDGE

23      DATED: November 12, 2021

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